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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,351	05/30/2001	Wilhelm-Martin Plotz	P01,0137	6281
29177	7590	10/01/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			NGUYEN, CHAU M	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,351

Applicant(s)

PLOTZ ET AL.

Examiner

Chau M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Paper # 11 (Amendment) filed on 26 July, 2004.
2. Claims 1-7 have been amended.

Claim Objections

3. Amended claims 1 and 6 are objected to because of the following informalities:
Phrase "said grating signal", as appeared in claim 1, line 4 and lines 4-5; and in claim 6, line 7 and line 8, is not correct. It should be "said grating filter".
Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation " said grating signal " in line 4. There is insufficient antecedent basis for this limitation in the claim.

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As claim 1, "the grating filter", (line 9, second appearance) is that "the grating filter" depicted on line 3 or on line 9, first appearance.

Claim 6 recites the limitation " said grating signal " in line 7. There is insufficient antecedent basis for this limitation in the claim.

As claim 6, similarly, "the grating filter", (line 12, second appearance) is that "the grating filter" depicted on line 7 or on line 12, first appearance.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-7 are rejected under 35 U.S.C 103(a) as being unpatentable over Liu et al. (Hereinafter " Liu") (U.S. Pat. No. 6,208,443 B1) in view of Fatehi (U.S. Pat. 6,122,096).

As claims 1 and 6, Liu discloses an optical ring network (figs. 15A-16B) , comprising:

a plurality of network nodes (ex. 610, fig. 15A), in which data signals are transmitted in wavelength-division-multiplex operation via an optical fiber and every

network node is assigned for its data signal to be emitted as assigned transmission channel with a transmission band used only once (col. 7, lines 16-41); and

at least one network node (for example node 610 of fig. 15A) having an add-drop arrangement comprising:

a grating filter (TRF, fig. 5, col. 7, lines 12-14) coupled to an optical network (figs. 15A-16B, and 11) wherein said grating filter operates a bandstop filter on optical signals output from said grating filter (col. 7, lines 16-48);

a first coupler (404, fig. 5) having one input, to which incoming signals are fed, and two outputs which are a first output (output coupled to grating filter) and a second output (output coupled to DEMUX 512) (col. 7, lines 49-57); and

a second optical coupler (405, fig. 5) that is connected to the first output (402, fig. 5), the second optical coupler being designed as a grating filter (TRF-N, fig. 5) with bandstop properties (col. 7, lines 49-57), the grating filter being tuned to a wavelength of a signal to be launched, such that said signal is reflected as a reflected signal, and incoming signals having all other wavelengths are passed to an output said second optical coupler having an add input into which said signal to be launched is fed against its transmission direction, reflected and added to said passed signals (fig. 5, col. 7, lines 57-60).

Liu does not disclose the limitation "said second output of said first coupler being connected to a further optical filter". However, Fatehi discloses the use of filter (265, fig. 3, col. 5, lines 45-50) that is connected to a second output (213, 214, Fatehi, fig. 3) of a coupler (210, fig. 3). Therefore, it would have been obvious to one having

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ordinary skill in the art at the time of the invention was made to provide a filter as taught by Fatehi into the system of Liu in order to select a designed signal. One would have motivated for using this since this configuration is also advantageous in that the system can even accommodate standards-oriented changes, such as future changes to wavelength standards (Fatehi, col. 6, lines 21-32).

As claims 2-5, Fatehi discloses optical filter of said add-drop arrangement is configured to output different transmission channels (Fatehi, col. 1, lines 5-10 and col. 5, lines 45-48).

As claim 7, Liu disclose a second fiber provided for protection purpose (see fig. 16A, col. 12, lines 1-8).

Response to Arguments

7. Applicant's arguments with respect to claims 1-7 filed on 26 July 2004 have been fully considered but they are not persuasive.

In Remarks, Applicants mainly argued:

"... the configuration taught in Liu does not utilize couplers transmitting against the transmission direction, ..."

In the teaching of Liu, "..., the k-th transmitter in the transmitter array 503 can add a channel at the wavelength λ_k which passing through the MUX 513, **reflected** by

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TRF-N and exists at the circulator (405)...”, (col. 7, lines 57-60) it obviously shows that the added signal is transmitting against the transmission direction. Therefore, Liu teaches the limitation in claims 1 and 6.

Also, in the Remarks, Applicants further wrote:

“..., the couplers of the present invention divides a signal into two distinct parts.”

However, it is noted that the features upon which applicant relies (i.e., the couplers divided a signal into two distinct parts) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau M Nguyen whose telephone number is 571-272-3030. The examiner can normally be reached on Mon-Fri from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.M.N.

Sept. 21, 2004


M. R. SEDIGHIAN
PRIMARY EXAMINER